

SPECIAL SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

December 1, 2015

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session December 1, 2015 at 1:00 p.m. at the Government Center in Austin, Minnesota.

All Members present, viz: Mike Ankeny, Chair
Tim Gabrielson
Polly Glynn
Jerry Reinartz
Tony Bennett
Craig Oscarson, County Coordinator

Motion made by Commissioner Bennett, seconded by Commissioner Gabrielson to approve the agenda with addition of approving the City of Racine 2016 Assessment Agreement. Motion carried.

Motion made by Commissioner Glynn, seconded by Commissioner Reinartz to approve the minutes of November 24, 2015. Motion carried.

Motion made by Commissioner Reinartz, seconded by Commissioner Gabrielson to approve the following Commissioner warrants for payment:

<u>Vendor Name</u>	<u>Amount</u>	<u>Vendor Name</u>	<u>Amount</u>
American Lung Association	5,082.66	Donnelly Law Firm/Daniel	2,148.26
Austin Newspapers Inc	2,151.64	Mower County Soil & Water Cons	14,476.00
Baudoin Oil Company	2,560.20	37 Payments less than 2000	17,750.21
Commissioner Of Transportation	3,942.88	FINAL TOTAL	48,111.85

Motion carried.

Motion made by Commissioner Bennett, seconded by Commissioner Gabrielson to approve the 2016 Assessment Agreement with the City of Racine. Motion carried.

A Public Hearing was held in regard to CUP #827 of Chad Meyer to construct a 165' x 60' x 14' sidewall, pole type structure for commercial retail sale of tractors and parts in Section 2, Lansing Township.

Angie Knish, Environmental Services Director, reviewed the permit and Planning Commission recommendations. The Planning Commission recommends approval with 19 conditions.

The Petitioner was present. No one spoke for or against CUP #827.

Date: December 1, 2015

Res. #65-15

RESOLUTION

On motion of Commissioner Gabrielson, seconded by Commissioner Reinartz, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held December 1, 2015 at the Government Center, Austin, Minnesota.

WHEREAS, The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #827 of Chad Meyer Landowner and Petitioners, and to be issued pursuant to the Mower County Zoning Regulations for:

construction of a 165ft x 60ft x 14ft high sidewall, pole type structure (machine shed) to be used for commercial retail sales of tractors and/or tractor parts; signage. Apx. 2/3 of the structure will be used for storage 1/3 will include a heated shop.

Location: on a 2.0 acre parcel, located in Section 2, Lansing Township (T103N-R18W), and legally described as: Tax legal: Section 02 Township 103 Range 018 N344FT S913FT W258FT SW1/4 SW1/4 2AC Deeded Acres: 2.0 FULL LEGAL SEE FILE, Mower County, Minnesota on a parcel identified per tax records as 08.002.0100; and

WHEREAS, Notice having been duly given, a public hearing held on the matter on November 24, 2015, at 7:00 p.m. in the Mower County Courthouse, Commissioner's Room before the Mower County Planning Commission, on said petition; and

WHEREAS, Notice having been duly given, a public hearing was held on December, 1, 2015 before the Mower County Board of Commissioners, on said petition;

NOW, THEREFORE, BE IT RESOLVED, that the Mower County Board has reviewed, accepts and adopts the findings of fact of the Mower County Planning Commission in the five required areas, which is hereby adopted by reference and kept on file in the Office of Environmental Services; and

BE IT FURTHER RESOLVED, that said petition is hereby recommended for Approval by the Mower County Planning Commission with conditions as follows:

1. Applicant shall follow all state and federal regulations regarding the proposed use; which may include required permits from the MPCA for waste, hazardous waste for disposal, containment and storage of materials and fluids associated to the proposed use. These permits shall be obtained prior to use of the property for implement sales and service. If the propose use is not subject to MPCA permitting owner/applicant shall secure a letter from the MPCA stating such and provide a copy to Mower County to include in the CUP file, prior to use; and
2. The shed shall not have any floor drains and any liquid wastes resulting from this business cannot be discarded through the Lansing Community Sewer System other than grey water or sewage; and

3. Business Hours of operation shall be 7 am - 8 pm Monday thru Saturday. Business hours are defined as those hours in which patrons, suppliers, deliveries and pick-up of parts or equipment are subject. Nothing in this CUP condition shall prohibit the owner and/or employees from being in or working within the shed outside of these specified "normal business hours" as long as the activity does not create noise disturbances to the adjoining landowners. Nothing in this CUP condition prohibits the operator from having business hours less than those specified above; and
4. Employees shall be limited to immediate family members which reside full time on this parcel. Need for additional persons or employees which do not reside at this parcel shall require an amendment to this CUP and may result in the need to consider relocation of this business to reduce impacts to the surrounding and adjoining residential area; and
5. The Owner/Applicant shall keep the site in a neat, orderly and aesthetically pleasing condition; and
6. There shall no outside storage of any tractor parts or supplies. Outside storage shall consist of only complete and operable tractors that are neatly displayed for sale purposes; and
7. All tires, except those that are mounted to an implement axel shall be kept and stored inside so as not to constitute a nuisance to adjoining properties.
8. Non-usable tires shall be properly disposed of in accordance with MPCA rules to a licensed facility that accepts and/or processes tires. The CUP grantee shall verify proper licensure of the receiving party and/or facility to assure proper disposal is achieved.
9. No more than 49-tires can be contained on this property, even within the building, without proper MPCA permits and an amendment to the CUP to assure MPCA permits have been obtained and a safety plan is created in case of fire; and
10. The Owner/Applicant shall work cooperatively with Mower County to mitigate any issues brought to the attention of the County that are found to be legitimate and valid that may create a nuisance to adjoining landowners from the proposed use, and
11. The Owner/ Applicant shall provide adequate area onsite to park, back, turn-around or etc. so as to not create a nuisance or hazard to the traveling public. Vehicles cannot be parked or backed onto the premises from the road or its right-of-way; and
12. This Conditional Use Permit shall lapse, and shall be no longer valid upon one-year of non-use; and
13. The Owner/Applicant shall abide by all road and bridge weight restrictions or postings that apply to roads used as an ingress/egress to the property; and
14. The Owner/Applicant shall be liable for any road damages as a result of this operation as stated under MN Statute 169.88; and
15. No burying of waste material is allowed and to do so would be in violation of MPCA Regulations and Mower County Solid Waste Ordinance; and
16. Signage shall not be lighted and shall comply with the Mower County Ordinance. Sign shall not exceed 30 square feet in size.
17. Expansion or intensification of this proposed use may need to consider relocation to a commercial or business area so as not to further deviate from the residential character of the surrounding area; and
18. The owner shall provide screening that includes an existing 6-foot wooden fence of natural or neutral color which is currently located along the county road, the entire south property line and along the easterly property line from the SE corner about 55 feet in length running north to south; and
19. This permit is based upon representation given by the applicant during the hearing process and any misrepresentation presented in this process may be grounds for revoking the permit.

This permit is in accordance with Article II Section Sec. 14-12 Accessory Buildings, (b) (4) (4) total sq. footage of all detached accessory buildings shall not be no greater than 2,500 sq. ft or 5% of the lot coverage for all accessory buildings or CUP required & Sec 14-70 (n) 3 Ag equipment sales/service; and Article I Division 6 (Conditional Use Permits) of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 1st day of December, 2015.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

A Public Hearing was held in regard to CUP #828 of Dave Belden to build a pole shed for inside storage of vehicles and personal items and also requests outside storage of vehicles in Section 15, Austin Township.

Angie Knish, Environmental Services Director, reviewed the permit and Planning Commission recommendation to deny CUP #828.

The Petitioner was not present. No one spoke in favor of CUP #828. Two persons spoke against CUP #828.

Date: December 1, 2015

Res. #66-15

RESOLUTION

On motion of Commissioner Reinartz, seconded by Commissioner Glynn, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held December 1, 2015 at the Government Center, Austin, Minnesota.

WHEREAS, The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #828 of David Belden, Landowner and Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

outside storage for vehicles, build a pole shed for inside storage of vehicles and personal storage and use.

Location: on a 3.0 acre parcel, located in Section 15, Austin Township (T102N-R18W), and legally described as: Legal: Section 15 Township 102 Range 018 W3AC N5AC S35.56AC E1/2 NE1/4 BOOK 319-36

Deeded Acres: 3.0000 SEE FULL LEGAL IN FILE, Mower County, Minnesota on a parcel identified per tax records as 02.012.0421; and

WHEREAS, Notice having been duly given, a public hearing held on the matter on 11/24/2015, at 7:00 p.m. in the Mower County Courthouse, Commissioner's Room before the Mower County Planning Commission, on said petition; and

WHEREAS, Notice having been duly given, a public hearing was held on December, 1, 2015 before the Mower County Board of Commissioners, on said petition;

NOW, THEREFORE, BE IT RESOLVED, that the Mower County Board has reviewed, accepts and adopts the findings of fact of the Mower County Planning Commission in the five required areas, which is hereby adopted by reference and kept on file in the Office of Environmental Services; and

BE IT FURTHER RESOLVED, that said petition is hereby denied as recommended by the Mower County Planning Commission and Mr. Belden has 30 days (by January 1, 2016) to remove the vehicles from the property.

This permit is in accordance with Article II Division 3 Rural Management District Section RM Sec 14-56 which references Ag District Section 14-51 (p) junkyards, auto wrecking yards, auto graveyards and body repair; and Article I Division 6 (Conditional Use Permits) of the Mower County Zoning Ordinance (effective date 01/01/2003).

Passed and approved this 1st day of December, 2015.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

A Public Hearing was held in regard to correcting the legal descriptions on previously approved (2003) CUPs #626, 627, 639 and 640.

Angie Knish, Environmental Services Director, reviewed the need for the correction and Planning Commission's recommendation.

No one spoke for or against correcting the legal descriptions on CUP's #626, 627, 639 and 640.

Date: December 1, 2015

Res. #67-15

RESOLUTION

On motion of Commissioner Bennett, seconded by Commissioner Gabrielson, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held December 1, 2015 at the Government Center, Austin, Minnesota.

WHEREAS, it came to the attention of Mower County Planning and Zoning Office in October 2015, via the Attorney on behalf of Mr. Garwin McNeilus that the legal descriptions that were used for legal notice and recording of Conditional Use Permits (CUPs) issued in year 2003 for CUPs 626, 627, 639, & 640 are incorrect and are in need of correction; and

WHEREAS, legal notice was placed in the Austin Daily Herald on November 11, 2015, and the Leroy Independent on November 12, 2015, that a public hearing would be held regarding the intent of Mower County to correct the legal description of the above listed CUPs to correlate with the area for which the wind turbines were actually constructed; and

WHEREAS, a public hearing was held on Tuesday November 24, 2015, in which any interested person had the right to speak for or against this proposal to correct the legal descriptions; and

WHEREAS, the Mower County Planning Commission, on Tuesday November 24, 2015, recommended approval to the Mower County Board of Commissioners to re-record the Conditional Use Permits with the legal description corrections; and

WHEREAS, a public hearing was held on Tuesday, December 1, 2015 before the Mower County Board of Commissioners, on intent to correct legal descriptions for CUPs 626, 627, 639 and 649 for re-recording;

NOW, THEREFORE, BE IT RESOLVED, that the Mower County Board has reviewed, accepts and adopts the recommendation of the Mower County Planning Commission to re-record the Conditional Use Permits listed above with the corrected legal descriptions.

Passed and approved this 1st day of December 2015.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Craig Oscarson, at the request of the Building Committee, provided an update on the proposed remodel at Public Works. The project will not commence at this time.

Motion by Commissioner Gabrielson, seconded by Commissioner Reinartz to adjourn the meeting at 1:51 p.m. Motion carried. The Annual Budget and Levy Public Hearing is scheduled for this evening at 6:00 p.m. The next regular meeting is scheduled for December 15, 2015 at 8:30 a.m.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____
Chairperson

Attest:

By: _____
Clerk/Coordinator

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